

1-4 MAJOR SUBDIVISIONS

MAJOR SUBDIVISIONS DEFINED

All land subdivisions that are not exempted by state statute or previously described under the minor subdivision procedures shall be processed as a major subdivision.

PROHIBITION AGAINST CLEARCUTTING

There shall be no clearcutting in any development or vacant parcel in excess of one acre within the Archdale City Limits or its Extraterritorial Jurisdiction (ETJ) without first having applied for and received approval from the Archdale City Council. The term “clearcutting” shall refer to the large-scale, indiscriminate removal of trees, shrubs, and undergrowth with the intention of preparing real property for non-agricultural purposes.

TRAFFIC IMPACT ANALYSIS (TIA)

Developments containing 50 dwelling units or more must provide a TIA administered by a Certified Traffic Engineer. The Planning and Zoning Board and City Council retain the authority to require a TIA in developments below 50 dwelling units as they deem necessary. The report shall document the traffic operational impacts on the key roadway segments and intersections that have been identified as the primary accesses to the proposed development. The applicant must present the traffic impact study to the Technical Review Committee (TRC) for approval prior to review from the Planning and Zoning Board and City Council.

GENERAL SUBMISSION REQUIREMENTS

Applications for sketch plan and final plat approval shall be submitted to the Administrator for completeness review. The Administrator shall determine whether the application is complete and complies with the submission requirements. If the application is incomplete or the submission requirements have not been complied with, the Administrator shall so notify the Applicant, specifying the deficiencies. Incomplete and/or non-compliant submissions shall not be processed.

SKETCH PLAN SUBMISSION PROCEDURES FOR MAJOR SUBDIVISIONS

The applicant shall schedule an appointment and meet with the Administrator to discuss a sketch plan. The Administrator shall also advise the applicant, when appropriate, to discuss the proposed subdivision with those officials who must eventually approve those aspects of the subdivision plat coming within their jurisdiction.

The Administrator shall issue a Notice to Proceed only if the sketch plan complies with all applicable laws governing the subdivision of land. The approval shall include, as appropriate, recommended changes in the sketch plan to be incorporated into the preliminary plat to assist the applicant in obtaining preliminary plat approval from the Planning and Zoning Board. If the Administrator determines that the sketch plan does not comply with all applicable laws governing the subdivision of land and the applicant refuses to modify the sketch plan, the

Administrator shall issue a Notice of Non-compliance. The Administrator shall issue either the Notice to Proceed or a Notice of Non-compliance not later than 15 days after the date on which the sketch plan was submitted to the Administrator. After receipt of a notice of approval, the applicant shall be eligible to file an application for approval of a preliminary plat, as provided in these regulations, before filing for final subdivision plat approval.

PRELIMINARY PLAT SUBMISSION PROCEDURES FOR MAJOR SUBDIVISIONS

If the Administrator has issued a Notice to Proceed for a sketch plan for a major subdivision, then the subdivider may proceed with the preparation of a preliminary plat.

Approval of a preliminary plat shall be required for any tract where the eventual platting of the property involves a major subdivision. No final plat shall be approved until a preliminary plat for the property has been approved.

Upon final approval, a preliminary plat shall be made a matter of record as follows:

The reasons for approval, disapproval, or approval with conditions shall be maintained on file with the Administrator.

The approved plat shall be indexed and filed by the Administrator.

SCOPE OF PRELIMINARY PLAT APPROVAL

Approval of the preliminary plat by the City Council shall allow a subdivider to proceed with:

- the preparation of the final plat;
- site preparation/grading (subject to obtaining Grading Permit and/or Erosion Control Permit);
- the installation of required improvements (subject to approval of construction drawings as described below).

Approval of the preliminary plat by the City Council without approved construction plans, as set forth, shall not constitute the necessary approval for submittal of the final plat.

Should the plat be approved subject to conditions or labeling corrections, the plat shall be revised and resubmitted to the Administrator with all corrections within 60 days of the City Council's approval. Additionally, no final plat may be approved until a corrected copy of the preliminary plat has been filed with the Administrator.

The preliminary plat shall serve as a guide in the preparation of the final subdivision plat, which must be submitted for final approval and recordation upon fulfillment of the requirements of this Section.

The preliminary plat shall be valid for the period prescribed by the attached Table below. A preliminary plat shall become void if a final plat is not approved within the specified time period. Final approval of a phase or portion of a preliminary plat shall re-establish the date for measuring

the time period of a preliminary plat approval.

The City Council may approve a staging plan extending the effective period of the preliminary plat approval up to 2 years where it is the intent of the landowners to proceed to final plats covering only a portion of the tract at any one time. Beyond 2 years, the applicant shall resubmit the preliminary plat to the Administrator for review by the City Council.

Time Limits for Major Subdivision Plat Approvals

<i>Type of Approval</i>	<i>Time Limit of Approval</i>
Preliminary Plat	One year to get
	Final Plat approved
Final Plat	30 days to record

The City Council may grant a one-year extension prior to the expiration of their time limit. After expiration of a one-year extension, a previously approved preliminary plat shall become void.

REVISING APPROVED PRELIMINARY SUBDIVISION PLATS

Minor Amendments

The Administrator shall have the authority to approve the following deviations from an approved preliminary plat and subject to the conditions below:

- A change in the location of not more than 10% of the number of lots;
- A change in the location of any part of open space acreage of not more than 10% of the gross acreage;
- A change in the location of any part of proposed street alignment and lot configuration of not more than 10% of the gross acreage so long as the number of external access points is not decreased, or
- Changes are restricted to within internal parcel boundaries and shall not affect external property lines.

All other changes to an approved preliminary plat that do not meet these standards shall require the filing and approval of a new preliminary plat.

FINAL PLAT SUBMISSION PROCEDURES FOR MAJOR SUBDIVISION PLATS

There shall be a final plat for each subdivision that receives preliminary plat approval. No final subdivision plat shall be recorded until a final plat has been approved as provided in this Section.

The subdivider may submit final plat copies for only that portion of the approved preliminary plat that is proposed for recordation and development at that time, if such portion conforms to all requirements of this Ordinance. The final plat shall conform to the approved preliminary plat. Any deviation from the approved preliminary plat which does not constitute a Minor Amendment as set forth above, shall require additional review and approval by the City Council.

The Administrator may find the application incomplete if 1) any of the information required by this Ordinance is not provided; 2) the final plat does not conform to the conditions attached to approval of the preliminary plat; or 3) the plat is in conflict with the provisions of this Ordinance and no variance has been approved.

Upon submittal of the copies of the final plat and other required materials, the Administrator shall review the application for completeness and shall initiate and coordinate review by affected city and state agencies in order to determine substantial compliance with the approved preliminary plat and general compliance with the provisions of this Ordinance and other applicable laws and regulations.

The final plat and related materials shall be approved or disapproved by the Administrator within the time period set forth in the above Table. Approval shall be in the form of a written letter to the subdivider (or contact person as listed on application) advising that the final plat meets all city and state requirements and that the original of the final plat may be submitted to the Administrator.

The Administrator shall sign the plat. The action of the Administrator shall be noted on all copies of the final plat to be retained as required for records or further action of the department or other affected agencies of the city or state. Following execution of the final plat, the applicant shall record it with the Register of Deeds.

Except as provided in Subdivision Improvement Agreements, all applicants shall be required to complete, to the satisfaction of the Administrator and Public Works Director, all street, sanitary, and other public improvements of the subdivision as required by this Ordinance before the final plat is recorded.

As a condition of final plat approval, the Administrator may require the applicant to:

In the event the applicant is unable to complete the required improvements, and such improvements are deemed necessary for the preservation of the public health and safety, the City may compel the delivery of the deed and guarantees in order to complete the improvements as required.

The final subdivision plat application shall be accompanied by all formal irrevocable offers of dedication to the public of all streets, local government uses, utilities, parks, and easements, and the subdivision plat shall be marked with a notation indicating the formal offers of dedication.

In addition to the criteria as set forth in this Ordinance, the Administrator shall not approve a final plat unless and until satisfactory evidence is filed that the final plat is in a form acceptable for recording with the Register of Deeds, and that all improvements have been satisfactorily installed or Subdivision Improvement Agreements have been signed by the applicant. The subdivider will also be required to submit a final subdivision plat fee, payment of all design costs for improvements, and appropriate performance surety.

The final plat shall comply with any staging or sequence plan set forth in the preliminary plat.

The applicant shall place reference monuments in the subdivision as required by North Carolina General Statute 47-30.

CERTIFICATES REQUIRED

The following certificates shall appear on the final plat. The Certificate of Ownership and Dedication and the Certificate of Survey and Accuracy, and Notarization shall be completed before submitting the plat to the Administrator.

1. Certificate of Ownership and Dedication.

I hereby certify that I am the owner of the property shown and described hereon, which is located in the subdivision jurisdiction of the City of Archdale and that I hereby adopt this plan of subdivision with my free consent, establish minimum building setback lines, and dedicate all streets, walks, parks, and other sites and easements to public or private use as noted. Furthermore, I hereby dedicate all sanitary sewer, storm sewer, and water lines to the City of Archdale.

Date

Owner

2. Certificate of Survey and Accuracy.

I, _____, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book ____ Page____), that the boundaries not surveyed are shown as broken lines plotted from information found in Book ____ Page ____ that this plat was prepared in accordance with General Statute 47-30 as amended. Witness my original signature, registration number, and seal the ____ day of _____, _____.

Seal or Stamp

Surveyor

Registration Number

3. This certificate of the Notary shall read as follows:

North Carolina, _____ County.

I, a Notary Public of the County and State aforesaid, certify that _____, a registered land surveyor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this _____ day of _____, _____.

Seal or Stamp

Notary Public

My Commission Expires

4. Certificate of Approval for Required Improvements.

I hereby certify that all streets, utilities, and other required improvements have been installed in an acceptable manner and according to Archdale's specifications and standards, or that guarantees of the installation of the required improvements in amount and manner satisfactory to the City of Archdale has been received.

Date

City Manager, Archdale

5. Certificate of Approval for Recording.

I hereby certify that the _____ Subdivision has been found to comply with the Subdivision Regulations of Archdale, North Carolina and the plat has been approved by the Planning and Zoning Board and City Council of Archdale and can be recorded in the office of the Register of deeds of Randolph County.

Subdivision Administrator, Archdale

Date

PHASING OF A PRELIMINARY PLAT

Whenever a subdivider applies for approval of a final plat that contains only a portion of the land encompassed in the approved preliminary plat, the final plat shall coincide with phase lines as established on the preliminary plat. Phasing of a preliminary plat shall not be permitted unless the phase lines are established and approved under the action of the City Council.

RECORDING A FINAL PLAT

Within the time period prescribed by the above Table of this Ordinance, after final plat approval, the applicant shall file the plat with the Register of Deeds as provided by law. The final plat approval shall expire within the above-referenced time period, unless the Administrator has

granted an extension. Failure to record the final plat within the time frame noted shall cause the final plat approval to be void, and shall require a new application.

The applicant shall return a copy of the recorded plat to the office of the Administrator.

Plat Review Officer

Final plats for major subdivisions shall be reviewed by a Review Officer as designated by Randolph and/or Guilford County per North Carolina General Statute 47-30.2.

SCOPE OF APPROVAL FOR FINAL PLAT

Approval of the final plat for a subdivision or section thereof shall not be deemed to be acceptance by the city or state of any street, alley, public space, utility or other physical improvements shown on the final plat and engineering plans for the maintenance, repair or operation thereof.

No zoning clearance permit or building permit shall be issued or approved until the expiration of 10 business days after a final plat has been recorded. The purpose of this time period is to permit the assignment of addresses and Parcel Identification Numbers (PINs) in the Land Records office of Guilford/Randolph County.

CONSTRUCTION PLANS

Following approval of the Preliminary Plat, the applicant shall have prepared, by a professional engineer or professional landscape architect, registered in the State of North Carolina, construction plans, consisting of complete construction drawings and specifications of all easements, streets, traffic control devices, street lights, sanitary sewers, storm water facilities, water system facilities, sidewalks, and other improvements required by this Ordinance and any additional technical manuals as adopted by the City. Construction plans shall be submitted to the Public Works Director for review and approval as an administrative permit. All improvements required pursuant to these regulations shall be constructed in accordance with the applicable requirements of this Ordinance, and, where applicable, the requirements and authorization of the appropriate state agency, utility company, or local franchisee.

The Administrator shall delegate the authority to review and approve all construction plan applications to the Public Works Director.

All installations of improvements shall conform to the approved construction plans. If the applicant chooses to make modifications in design and/or specifications prior to construction, such changes shall be subject to review and approval by the Public Works Director. It shall be the responsibility of the applicant to notify the Administrator in advance of any changes to be made from the approved drawings. In the event that actual construction work deviates from that shown on the approved construction plans, such unapproved work shall constitute a violation of this Ordinance. The applicant shall be required to correct the installed improvements to conform to the approved construction plans. In addition, the Administrator may take such other actions as may be deemed appropriate including, but not limited to, revocation of permits already issued

and/or withholding of future approvals and permits until the violation is corrected.

As-Built Drawings

Prior to final inspection of the required improvements, the applicant shall submit to the Administrator two copies of as-built engineering drawings for each of the required improvements that have been completed. Each set of drawings shall be re-certified by the applicant's engineer indicating the date when the as-built survey was made.

As-built drawings shall show the constructed vertical elevation, horizontal location, and size of all sanitary and storm sewers, manholes, inlets, junction boxes, detention basins and other appurtenances or elements of the sewerage and storm drainage systems constructed to serve the subdivision. In conjunction with the submittal of engineering plans and specifications, the subdivider shall be required to demonstrate compliance with the Sedimentation Control Standards of the overall area proposed to be developed. The subdivider shall cause all grading, excavations, open cutting, and similar land surface disturbances to be mulched, seeded, sodded, or otherwise protected to ensure compliance with the City's Sedimentation Control Standards. No work shall be initiated relative to the preparation of land or the installation of general improvements until such time as all aspects of the subdivider's engineering plans and sedimentation control proposals have received approval.

As-built drawings shall depict water lines, valves, fire hydrants, and other appurtenances or elements of the water distribution system constructed to serve the project. Such information shall include the horizontal location and size of water lines and location and description of valves with dimensional ties.

As-built drawings shall depict the location of all street rights-of-way, alignments, widths, and vertical elevations.

As-built drawings shall show all control points and monumentation.

INSPECTION OF IMPROVEMENTS

During the preparation of land and the installation of general improvements, periodic inspections shall be made to ensure conformity with the approved plans, specifications and standards. Appropriate agencies of the City and state may make inspections at any time during the progress of work.

All improvements required by these regulations shall be inspected prior to acceptance by the City. Where inspections are made by individuals or agencies, other than the Public Works Director, the applicant shall provide the Public Works Director with written reports of each final inspection.

Prior to beginning construction, the applicant shall arrange with the Public Works Director a pre-construction meeting for the purpose of coordinating construction activities.

It shall be the responsibility of the applicant to notify the Public Works Director of the

commencement of construction of improvements 1 full working day prior thereto. Inspections shall be required at each of the following stages of construction or as otherwise determined through and owner contract or development improvement agreement:

- Site grading/erosion control completion
- Underground utility installation
- Subgrade preparation prior to aggregate base installation
- Aggregate base compaction
- Concrete curb and gutter installation
- Bituminous binder placing
- Final surfacing prior to seal coat

The applicant or the bonded construction contractor shall bear full and final responsibility for the installation and construction of all required improvements according to the provisions of these regulations and the standards and specifications of other public agencies.

ACCEPTANCE OF IMPROVEMENTS

Approval of the installation of improvements by the Public Works Director shall not constitute acceptance by the City of the improvement for dedication purposes. The installation of improvements in any subdivision shall, in no case, serve to bind the City to accept such improvements for maintenance, repair, or operation thereof. Such acceptance shall be subject to the existing regulations concerning the acceptance of each type of improvement.

Easements

The specific standards for acceptance of easements shall be subject to the technical design standards of this Ordinance and any other adopted policy or manual of the City. All easements shall be in full compliance with this Ordinance prior to acceptance.

The City shall not have any responsibility with respect to any street, or other improvement, notwithstanding the use of the same by the public, unless the street or other improvements have been accepted.

When improvements have been constructed in accordance with the requirements and conditions of these regulations and the specifications of this Ordinance, and the applicant has submitted as-built drawings to the Public Works Director, the City Council shall accept the improvements for maintenance by the City, except that this shall not apply to improvements maintained by another entity.

These provisions shall not be construed to relieve the subdivider or the subdivider's agent or contractor of any responsibility in notifying any agency for the City of completed work and formal request for inspection of same. The agency having jurisdiction shall inspect and approve all completed work prior to the release of any applied performance sureties.

SITE CLEANUP

The applicant shall be responsible for removal of all equipment, material, and general construction debris from the subdivision and from any lot, street, public way, or property therein or adjacent thereto. Dumping of such debris into sewers, onto adjacent property, or onto other land in the City is prohibited.

SUBDIVISION IMPROVEMENT AGREEMENTS

The Administrator shall delegate the authority to review and approve all subdivision improvement agreements to the Public Works Director.

The Public Works Director may delay the requirement for the completion of required improvements prior to recordation of the final plat if the applicant enters into a Subdivision Improvement Agreement by which the applicant covenants and agrees to complete all required on-site and off-site public improvements no later than 1 year following the date upon which the final plat is recorded. Such period may be extended for up to an additional 6 months upon its expiration at the discretion of the Public Works Director. The Applicant shall bear the responsibility to prepare a Subdivision Improvement Agreement. The City Attorney shall approve any Subdivision Improvement Agreement as to form.

In order to provide for emergency access, no Subdivision Improvement Agreement shall be approved, and no performance guarantee shall be accepted, until the Base Course for the streets within the applicable phase for which a final plat is proposed has been installed.

At the discretion of the Public Works Director, the Public Works Director may enter into a Subdivision Improvement Agreement with the applicant for a development containing multiple final plats concerning the timing and sequence of roadway, water, wastewater, drainage, public school, and park or open space dedication and improvements. Notwithstanding any provision in this Ordinance to the contrary, the Subdivision Improvement Agreement shall determine the time when the required improvement or dedication for multiple final plat developments shall occur.

Performance Security

Whenever the Public Works Director permits an applicant to enter into a Subdivision Improvement Agreement, the applicant shall be required to provide sufficient security to ensure completion of the required public improvements. The security shall be in the form of an irrevocable letter of credit, cash escrow, or a surety bond.

The letter of credit, cash escrow, or surety bond shall be in an amount approved by the Public Works Director as reflecting 125% of the cost of the improvements in the approved construction plan and shall be sufficient to cover all promises and conditions contained in the Subdivision Improvement Agreement.

In addition to all other security, when the City participates in the cost of an improvement, the applicant shall provide a performance bond from the contractor, with the City as a co-obligee. The issuer of any surety bond shall be subject to the approval of the City Attorney and the Public

Works Director.

If security is provided in the form of a cash escrow, the applicant shall deposit with the City Finance Director a cash amount or certified check endorsed to the escrow agent for a face value in an amount not less than the amount specified by the Public Works Director.

The surety bond or cash escrow account shall accrue to the City for administering the construction, operation, and maintenance of the improvements.

Where oversized facilities are required, the Public Works Director and applicant shall specify a reimbursement procedure in the Subdivision Improvement Agreement.

Release of Performance Security

Upon completion of all improvements as covered by the Subdivision Improvement Agreement, the Public Works Director shall inspect the work. If the Director determines that the work is satisfactory and complete, the letter of credit, cash escrow, or surety bond shall be released. The Director shall also require evidence from the subdivider that all contractors have been paid in full prior to the release of the performance security.

Failure to Complete Improvements

If a Subdivision Improvement Agreement has been executed and security has been posted and required public improvements are not installed pursuant to the terms of the Agreement, the Public Works Director may:

- Declare the Agreement to be in default 30 days prior to the expiration of the guarantee instrument, and require that all public improvements be installed regardless of the extent of completion of the development at the time the agreement is declared to be in default;
- Obtain funds pursuant to the surety and complete the public improvements by itself or through a third party;
- Assign its right to receive funds pursuant to the surety in whole or in part to any third party, including a subsequent owner of the subdivision or addition for whom the public improvements were not constructed, in exchange for the subsequent owner's Agreement to complete the required public improvements; and/or
- Exercise any other rights available under the law.

MAINTENANCE GUARANTEE

The Administrator shall delegate the authority to review and approve all maintenance bonds to the Public Works Director.

The applicant shall guarantee the improvements against defects in workmanship and materials for a period of 1 year from the date of acceptance of such improvements. In exceptional situations, where undue hardship would otherwise result and the shorter term would not be inconsistent with the purposes of this Ordinance, the Public Works Director may approve a shorter-term maintenance guarantee. The maintenance guarantee shall be secured by a surety bond or cash escrow in an amount reflecting 5% of the cost of the completed improvements.

The applicant shall construct and pay for all costs of temporary improvements required by the Public Works Director and shall maintain said temporary improvements for the period specified by the Public Works Director.

30 days prior to the expiration of the maintenance guarantee instrument, if any defects in workmanship and/or materials are not repaired to the satisfaction of the Public Works Director, the subdivider shall be required to make all necessary repairs immediately.

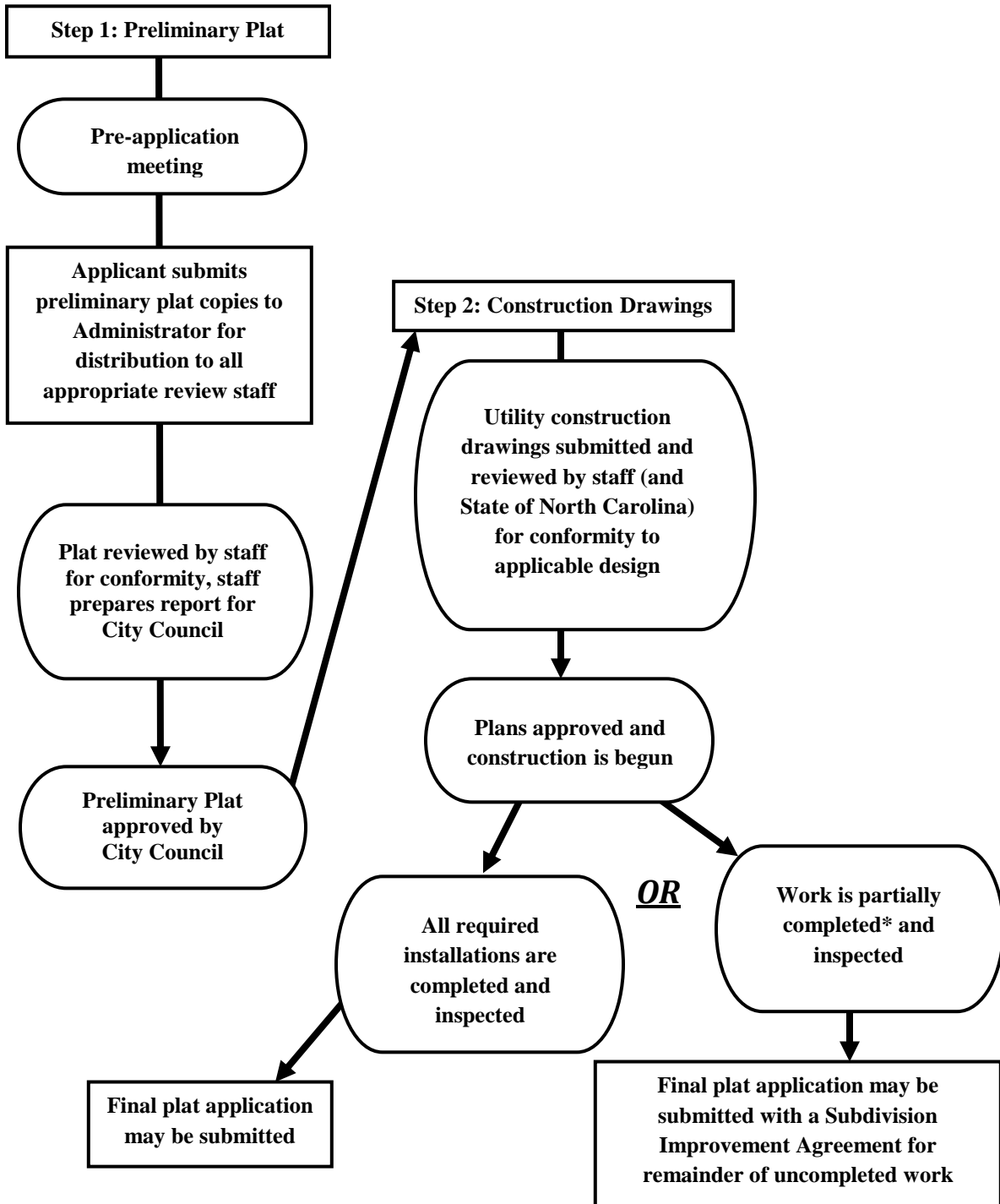
SUBDIVISION EXCEPTIONS (Applies Only to Preliminary Plats for Major Subdivisions)

Where the City Council finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve exceptions to these subdivision regulations so that substantial justice may be done and the public interest secured, provided that the exception shall not have the effect of nullifying the intent and purpose of these regulations; and further provided that the City Council shall not approve exceptions unless it shall make findings based upon the evidence presented to it in each specific case that:

- The granting of the subdivision exception will not be detrimental to the public safety, health, or welfare or injurious to other property;
- The conditions upon which the request is based are unique to the property for which the relief is sought and are not applicable generally to other property;
- Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out; and/or
- The relief sought will not in any manner vary the provisions of the Comprehensive Plan except that those documents may be amended in the manner prescribed by law.

In approving a subdivision exception, the City Council may require such conditions as will, in its judgment, secure substantially the purposes described in this Ordinance.

Major Plat review process – Step 1 Preliminary Plat and Step 2 Construction Drawings. Step 3 (next page) Process for Final Plat.



Major Plat review process – Step 3 Process for Final Plat. Steps 1 and 2 (previous page) include Step 1 Preliminary Plat and Step 2 Construction Drawings.

